REMARKS

Applicant thanks the Examiner for a thorough examination of the present application, but respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claim 9 is requested to be cancelled. Claims 1, 3-8, and 10-18 are currently being amended. After amending the claims as set forth above, claims 1, 3-8, and 10-20 are now pending in this application.

In the outstanding final Office Action of May 30, 2008, claims 1 and 3-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,381,418 to Spurr et al. (Spurr) in view of U.S. 5,845,160 to Patton (Patton). Applicant respectfully traverses the rejection for the reasons set forth below.

The Examiner asserted that the combination of Spurr and Patton teaches all of the required limitations of independent claims 1, 12, and 17. Although Applicant disagrees with the Examiner's position, in the interest of compact prosecution, Applicant has amended the claims for consistency purposes and to more particularly describe features of the present application. To the extent that Spurr and/or Patton may still apply to the amended claims, Applicant respectfully disagrees.

Spurr is directed to a single print which has a memory associated with the single print. (*See, e.g.*, Abstract; Figure 1; col. 1, lines 6-9; and col. 3, lines 22-62). In particular, Spurr teaches that the single print 30 includes a transponder 22 with an associated memory 24. (*See, e.g.*, Figure 1 and col. 4, lines 62-67). The memory of Spurr is configured to store detailed information about the single printed image. (*See, e.g.*, Abstract; col. 3, lines 28-44, and col. 7, lines 20-50). Such data can be beneficial for automatic identification procedure. For example, Spurr teaches that "the present invention allows the operator to quickly scan a box containing a plurality of prints and to quickly identify and independently access information concerning each print in the box, without handling the prints individually." (Col. 3, lines 58-63). Furthermore, such data may be beneficial for determining specific conditions under which the print was processed. (*See, e.g.*, col. 29-31). For example, Table 1 of Spurr states that type of data stored, with regard to a single printed image, may include: proofing

system identifier filename, date/time stamp, dot gain, density settings, dot shape, screen ruling, screen angle, paper type, and thermal donor batch settings.

Spurr, however, fails to teach or suggest that the print is an "index" print, as recited in independent claims 1, 12, 17, and 18. Spurr also fails to teach or suggest that the print includes a memory tag which has a "storage capacity to store a high resolution image," as recited in independent claims 1, 12, 17, and 18. In addition, Spurr fails to teach or suggest that the memory tag is configured to store a high resolution image for an index image it is associated with. Moreover, Spurr fails to teach or suggest that "each index image is printed with low resolution," as recited in independent claims 1, 12, 17, and 18. Still further, Spurr fails to teach or suggest that a memory tag is configured to store "at least one of a list of index images, respective locations of the index images, and locations of the memory tags associated with at least one of the plurality of index images," as recited in independent claims 1, 12, 17, and 18.

In rejecting the claimed "memory tag," the Examiner relied upon the transponder (22) and memory (24) of Spurr. (*See, e.g.*, col. 4, lines 58-67). In response, Applicant has amended the independent claims to more particularly described that memory tag has "storage capacity to store a high resolution image." Applicant submits that Spurr does not teach or even suggest such a feature. Spurr teaches a memory configured to store various details about the image. (*See, e.g.*, Abstract; col. 3, lines 28-44, col. 7, lines 20-50, and Table 1). In particular, Spurr teaches an RFID, such as a TAG-IT INLAY from Texas Instruments, that is configured to store details about the image. However, as correctly recognized by the Examiner, the RFID of Spurr is not configured to store *an image*. Still further, the RFID is not configured to store a *high resolution* image. As discussed throughout the application, the memory tag has a much larger memory than a conventional RFID. This larger memory is required to store high resolution images. In contrast, the RFID of Spurr does not contain enough memory to store such a large amount of data. Thus, the RFID of Spurr does not read on the claimed memory tag with storage capacity to store a high resolution image.

Additionally, Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify Spurr to include enough memory to store a high resolution

image. This is because adding more memory to the RFID of Spurr would increase the real estate/footprint of the RFID and therefore make the device unsuitable for an index print. In addition, adding more memory would change the overall architecture of the RFID. Still further, the RFID discussed in Spurr is low frequency (*e.g.*, 13. 56 Mhz). In such a low frequency RFID, the voltage induced is proportional to the frequency. Therefore, a particular amount of antenna coil turns are needed to produce enough voltage for operation. (*e.g.*, as many as 100-150 turns per layer in 3 layers). Such an RFID arrangement contrasts the arrangement of the present application. Finally, Applicant notes that the RFID of Spurr has a low power transfer and therefore a low data rate. Therefore, if the memory was increased to attempt to store a high resolution image, it would take an extremely long time to read and/or write data. Accordingly, if the RFID of Spurr was modified to include the storage capacity to store a high resolution image, the resulting device would be unworkable because the read/write times would be too long for its intended purpose. As such, Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify Spurr to include enough memory to store high resolution images.

With regard to the Examiner's reliance on the Patton reference, Patton teaches a *sound* index print (14) including an array of imagettes (18). (*See, e.g.*, Abstract, Figure 1, and col. 2, lines 43-50). Within the sound index print (14), Patton teaches that an "audio data storage unit" (20) stores audio data related to the imagettes (18). (*See, e.g.*, Figure 1 and col. 3, lines 13-140). Applicant notes that a *single* audio data storage unit (20) is located above the imagettes (18). As further discussed in Patton, the invention is intended "for transferring recordings from a sound index print to a digital memory store having corresponding digital image files." (Col. 2, lines 5-8). As depicted in Figure 1 of Patton, the digital memory store 12 is located within a personal computer. Accordingly, Patton teaches a method of transferring audio recordings from a sound index print to a computer which contains corresponding image files. Applicant notes that Figure 1 clearly depicts the image files (16) within the computer (12).

Therefore, at best, Patton teaches an index print (14) with a single audio data storage unit (20) attached thereto. Patton, however, fails to cure the deficiencies associated with Spurr because Patton also fails to teach or suggest a memory tag which has "storage capacity

to store a high resolution image," as recited in independent claims 1, 12, 17, and 18. Instead, Patton teaches a single audio data storage unit that is "preferably a randomly accessible nonvolatile memory, such as an EEPROM." (Col. 3, lines 35-36). Such a nonvolatile memory is not suitable for an image print, given size and accessibility considerations.

Furthermore, Patton fails to teach or suggest that the memory tag is configured to store a high resolution image for an index image it is associated with. Instead, Patton teaches a single *audio* data storage unit which stores audio recordings for the imagettes. There is no indication in Patton that the audio data storage unit is configured to store images. Moreover, there is no indication in Patton that the audio data storage unit is configured to store high resolution images. Still further, Patton makes no indication that the audio data storage unit is associated with an individual imagettes. Instead, as clearly shown in Figure 1, there is a *single* audio data storage unit, as opposed to a *plurality* of storage units associated with respective imagettes. Therefore, Patton fails to teach an memory tag (1) with storage capacity to store a high resolution image, (2) a memory tag configured to store a high resolution image and (3) a plurality of memory tags each associated with an individual imagette.

In addition, Applicant respectfully submits that Patton fails to teach or suggest that "each index image is printed with low resolution," as recited in claim 1. Although, the Examiner argued that "it is known and would be appreciated by one skilled in the art that printing an index print with low resolutions would be faster and more efficient than using high resolution images," Applicant respectfully submits that neither Patton nor Spurr make no such express teachings and, therefore, Applicant respectfully requests the Examiner to provide evidence to support this assertion. (*See*, page 10 of outstanding Office Action).

Still further, Applicant respectfully submits that Patton fails to teach or suggest that a memory tag is configured to store "at least one of a list of index images, respective locations of the index images, and locations of the memory tags associated with at least one of the plurality of index images," as recited in independent claims 1, 12, 17, and 18. Patton makes no reference to a global memory tag conducting such functions. Instead, Patton merely teaches a single audio data storage unit configured to store audio data.

For at least the above reasons, Applicant submits that neither Patton nor Spurr teach or even suggest all of the features recited in the independent claims. Additionally, Applicant respectfully points out that the Examiner may be misinterpreting the "digital image files" in Patton to be part of the sound index image. However, as described in Patton, "the digital memory store 12 includes a set of digital image files 16a." (Col. 2, lines 53-54). Since Figure 1 clearly shows the digital memory store (12) and the digital image files (16a) associated with the computer, Applicant respectfully submits that such an interpretation is incorrect. Therefore, Patton cannot read on the present claims which clearly recite that the high resolution images are stored in an memory tag *located on the index print substrate.*

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the features required by independent claims 1, 12, and 17, Applicant submits that each of these claims are patentable over the asserted art. Furthermore, because dependent claims 3-8, 10, 11, 13-16, and 18-20 are each directly or indirectly dependent upon claims 1, 12, and 17, Applicant submits that each of these claims are allowable for at least the same reasons discussed above, in addition to their own reasons, for which Applicant expressly reserves the right to address in the future.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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